

## **REMARKS**

This is a full and timely response to the outstanding final Office Action mailed November 19, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 112, Second Paragraph**

Claims 5, 15, 35, and 36 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In response to the rejections, Applicant has canceled claims 5 and 15, and has amended claim 36 to depend from claim 20 instead of 1 (it was claim 36, not 35 that depended from claim 1). In view of those amendments, it is respectfully asserted that Applicant's claims define the invention in the manner required by 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejections to these claims be withdrawn.

### **II. Art Rejections**

The Office Action rejects each of Applicant's claims in view of various art references. As is indicated above, however, each of Applicant's independent claims has been amended. In view of those amendments, the rejections are believed to be moot. Applicant discusses Applicant's claims, and selected art references that have been cited, in the following.

**A. Determining if a Requested Online Service is Downloadable**

Claim 1 has been amended to recite “determining if the requested online service is downloadable”. In the Office Action, it is argued that Vange et al. (“Vange,” Pub. No. US 2002/0007404) teaches such determining. Applicant respectfully disagrees.

For support of the proposition that Vange teaches determining if a requested online service is downloadable, the Office Action identifies paragraphs 0026 and 0068. Those paragraphs provide as follows:

[0026] Preferably, the cache contents are determinable by the site owner by allowing the site owner to cause the cache to be loaded with desired content. In this manner, content can be loaded into a cache before it is requested by a user based on a likelihood that it will be requested by a user. In this manner, a web site owner can explicitly prevent hits to the central server(s) by proactively sending content to a cache. For example, in the case of a small web site of a few megabytes of storage, the first hit to an index page may justify sending the entire site to the intermediary server that received the hit thereby preventing any further hits to the origin server.

[0068] Preferably, the cache contents are determinable by the site owner by allowing the site owner to cause the cache to be loaded with desired content. Several mechanisms are available to implement this functionality. In one alternative, front-end manager can explicitly load content into cache 403 as desired by a site owner. In another alternative, the cache instructions passed with a response packet may indicate subsequent material to be added to cache 403. For example, when an HTML page is loaded the cache instructions may indicate that all linked resources referenced in the HTML page should be loaded into cache 403. In a more aggressive example, when any one page of a web site 210-212 is loaded, the entire web site is transferred to cache

403 while the user views the first accessed web page. In yet another example, cache contents are propagated by a back-end 203 to connected front-ends 201 based upon propagation rules stored and implemented by back-end 203. For example, when the load on a back-end 203 is high and/or the resources of a back-end 203 become limited, the back-end can more aggressively or speculatively move content out to front-ends 201 to prevent hits. These cache functions may occur as a result of explicit cache instructions, or may be automatically performed by front-end 201 and/or intermediary 206 based on rules (e.g., site owner specified rules) stored in the server.

As can be readily appreciated from the above excerpts, while Vange does anticipate determining the current contents of a cache, Vange says nothing about making a determination as to whether an online service (or any other feature) is downloadable.

Applicant notes that the other independent claims contain similar recitations. In particular, claim 10 recites a computer-readable storage medium having stored thereon computer instructions that, when executed by a computer, cause the computer to “determine if the requested online service is downloadable by the local point of presence”, and claim 20 recites “means for determining if the requested online service is downloadable by the local point of presence”. Vange teaches no such storage medium or means.

#### **B. Checking a Service Cache Record . . .**

Although the Office Action asserts that Vange teaches determining if a requested online service is downloadable, the Office Action relies upon the teachings of Touboul (U.S. Pat. No. 6,167,520) for teaching “checking a service cache record for a service ID associated with the requested online service, wherein if the requested

service ID is not listed in the service cache record, the online service is not downloadable by the local point of presence”, which was previously recited in claim 27 and is now recited in claim 1. Specifically, the Office Action relies upon column 6, lines 52-58, which provides:

The foregoing description of the preferred embodiments of the invention is by way of example only, and other variations of the above-described embodiments and methods are provided by the present invention. For example, although the invention has been described in a system for protecting an internal computer network, the invention can be embodied in a system for protecting an individual computer.

Applicant assumes that the citation of column 6, lines 52-58 was a mistake given that that portion of the Touboul disclosure says nothing about checking a service cache record for a service ID associated with a requested online service. Regardless, Applicant asserts that no portion of the disclosure Touboul provides such a teaching. In fact, it can be said that Touboul teaches the *opposite*.

The Touboul system operates to prevent downloading of suspicious or hostile downloads for security purposes. Touboul, column 2, lines 63-67. As is described by Touboul, if a security system recognizes a security rule violation during a download operation, a runtime environment monitor records the violation and a response engine adds information pertaining to the download to a downloadables database 328, which is consulted prior to downloading. Touboul, column 4, lines 42-61. Specifically, an event router of the system determines whether an incoming download is known to be suspicious with reference to the database. Touboul, column 5, lines 41-46. If so, the response engine “manages” the downloadable. Touboul, column 5, lines 53-54.

Accordingly, contrary to that recited in Applicant's claim 1, Touboul's system checks a database for an ID associated with a download, and prevents downloading if the ID *is* contained in the database. Contrast this with Applicant's claimed "checking a service cache record for a service ID associated with the requested online service, wherein if the requested service ID *is not listed* in the service cache record, the online service is not downloadable by the local point of presence" (emphasis added).

Notably, independent claims 10 and 20 include similar recitations.

In view of the foregoing, neither reference teaches or suggests each of the limitations of Applicant's claims. Applicant therefore requests allowance of Applicant's claims.

As a final point, Applicant notes that, despite having amended each independent claim, Applicant has not raised any new issues for consideration given that the claim limitations added to the independent claims previously appeared in dependent claims that were already examined. Therefore, those limitations have already been considered by the Examiner.

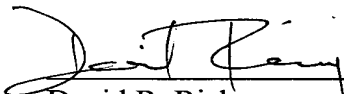
### **III. Canceled Claims**

As identified above, claims 2, 5, 12, 15, and 27-28 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

### CONCLUSION

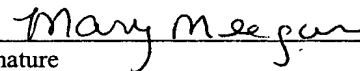
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

1-19-05

  
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Signature